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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Barb Ariel Cohen
Serial No: 09/759,815
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For: DETECTION AND REMOVAL OF MICROORGANISM
CONTAMINATION

Examiner: Ralph J. Gitomer
Art Unit: 1651

VIA FEDERAL EXPRESS

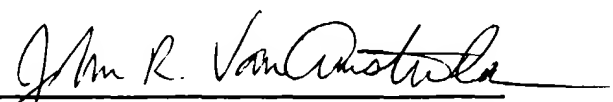
Examiner Ralph Gitomer
Art Unit 1651
United States Patent and Trademark Office
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LETTER

Sir:

Transmitted herewith is a copy of page 11 of the Amendment filed on September 23, 2003, as requested in a telephone call today.

Respectfully submitted,

By: 
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target the chitin. Therefore Tuse does not teach the use of a fluorescently labeled probe that is a lectin that binds chitin, or the pH range as presently claimed

While Tuse does disclose filtering a sample, the filtration is performed to bind any chitin-containing organisms, chitin, etc. prior to contacting the bound sample with a chitin-binding enzyme (see page 4, lines 25-34). Thus the filtration step is performed to purify the chitin from the remaining components of a sample prior to binding with a chitin-binding enzyme. In contrast, as disclosed in Applicant's specification (page 18, lines 14-24), detection of the labeled lectin involves separation of the lectin from the sample homogenate. This is accomplished in preferred embodiments by filtration. The filter retains lectin bound to chitin-containing contaminant. This use of a filter is not disclosed by Tuse; as noted above, Tuse contacts the filter-bound chitin-containing organisms or chitin with a chitin-binding enzyme.

A further difference between Applicant's method and the method disclosed by Tuse is that Tuse reads the signal on the solid phase (with the naked eye; see page 5, lines 3-4). In contrast, in Applicant's claimed method, the filter is washed to allow unbound lectin to wash through the filter, after which bound lectin is eluted from the filter using a chitin degradation product or a chitin analogue. This eluted lectin is measured for detection of the presence of chitin in the sample.

Accordingly, Applicant respectfully requests that the Examiner also withdraw the rejection of claims 29-39, 43, 44 and 50-52.

Rejections Under 35 U.S.C. §112

The Examiner rejected claims 1-12, 16-20, 22-39, 43-47 and 49-52 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 was rejected because the preamble and the last step of the method did not match. Applicant has amended claim 1 to recite that chitinous material is detected in the last step of the method. Applicant has amended claim 29 to make the same correction.

Claims 11 and 12 were rejected for recitation of "blocking agent". Applicant notes that the function of a blocking agent, such as BSA recited in claim 12, is for reducing non-specific binding of the lectin. This use is recited in the specification at page 4, lines 28-30.